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THE

PULPIT AND ROSTRUM.

Sermons, Orations, Popular Lectures, &c.

ANDREW J. GRAHAM AND CHARLES B. COLLAR,

REPORTERS.

THE WAR:

A SLAVE UNION OR A FREE?

SPEECH

OF

Hon. MARTIN F. CONWAY,

Delivered in the House of Representatives, December 12, 1861.

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E. D. BARKER, Publisher, 135 Grand Street, New York.

THE WAR:

A SLAVE UNION OR A FREE?

Speech of Hon. Martin F. Conway, of Kansas, delivered in the House of Representatives, Thursday, December 12, 1861. *Revised by the Author.*

Mr. Speaker—It is a source of much regret to the country that the war should not be conducted with more effect than has so far characterized it. While few feel authorized to question the present delay of effective operations, or deny its necessity, all are profoundly dissatisfied with the fact itself. The war has already been protracted beyond the limit which the public mind, at the outset, fixed for its termination, assuming gigantic proportions, and involving expense of life and treasure not apprehended when the struggle began.

The original object of the country was to put down a rebellion, not to inaugurate a regular war. The authority to make war being not with the President, but with Congress, it was in recognition of his right to suppress insurrection merely that the volunteer soldiery of the country responded to his call, when the Government was menaced with destruction. The intention of Congress, in voting such extraordinary supplies of men and money, was the same.

The spirit of the lamented General Lyon, manifested in the vigorous and summary manner with which he subdued the earlier secession movements in Missouri, was that in which the whole nation impatiently sympathized. It wanted the authority of the Government exerted with decision and effect, so that rebellion should be crushed in the shell, and not permitted to hatch into revolution. But the course of the Government has not corresponded with the ardor of the people. The conflict has now been progressing nine months, and has changed its character from an attempt to destroy an insurrection into a deliberate and settled war.

Up to the present time we have not encountered the enemy in a single engagement of importance in which we have won an unquestionable victory. At Bethel, at Manassas, at Springfield, at Leesburg, and at Belmont, we have been defeated. Saving two expeditions to our Southern coast, the Federal arms have been

everywhere overborne, notwithstanding our volunteers have displayed a gallantry rarely equaled even by veteran troops.

This fruitless campaign has resulted in defeating the original purpose of the country; and the rebels have secured, under the recognition of nations, a belligerent character, in derogation of their responsibilities to the Federal Union.

The character thus confirmed to the rebellious States gives them a position they could not hold under the Federal Constitution. In point of fact, it confers upon them a recognized status among nations to make war upon that Constitution. Why, then, does it not also exonerate the Federal Government from any obligation to them dependent upon that instrument? How can they have rights under the Constitution the Government is bound to respect, while they are enjoying the rights of belligerents arising from incompatible relations? It is impossible to appreciate the logic requiring us to treat them as sister States, respecting rights as such, while they are warring upon us as a foreign enemy. It certainly would be more just as well as correct to claim them as rebel States, with such a belligerent character as releases us from any obligation to respect their Federal status.

In fact and principle, their character as belligerents fixes their status, and not our common Constitution. Its authority is as to them suspended. No United States officer has exercised his functions in any of those States for nine months. During this period we have been powerless there to give protection in any shape to life and property. Through an organization styled the "Confederate States Government," a military power has exhibited itself, which, embodying the force of that section, exercises civil administration, and disputes our sway. The following from Vattel is precisely to the point:

"When a nation becomes divided into two parties, absolutely independent, and no longer acknowledging a common superior, the state is dissolved, and the war between the two parties stands upon the same ground, in every respect, as a public war between two different nations."—*Book* III., *chap.* 17, *p.* 428.

This is in reality the principle now governing the case, whatever may appear to the contrary. We have established a blockade of the Southern coast as against a public enemy, under international law. We have been meeting the Confederate authorities for months and holding relations with them through the medium of a flag of truce—a symbol authorized only by public law. We hold in our hands hundreds of their prisoners, including some of their most eminent men, whom we do not try for treason, but are exchanging for our own friends held as prisoners of war by them.

We have arrested their ambassadors, under the British flag on the high sea, for which we have no justification except on the assumption that they were envoys from a public enemy, recognized as such by the law of nations.

The action of our Government in all these matters is necessarily based on the theory that the Confederate States (so called) are beyond the jurisdiction of the Union, holding a middle ground, subject to the issue of the pending conflict. I do not see that there is any possibility of getting away from this conclusion.

The work of the Government, at its present stage, is not, therefore, suppression of insurrection, in any just sense; but the overthrow of a rebellious belligerent power. Its success does not signify the execution of the terms of an existing government in the seceded States—remitting them to their original status in the Union; but implies their subjugation to the sovereignty of the United States, to be held as Territories, or military dependencies, or States, or anything else we please. This is clearly the present attitude of the case.

Now the evil of our system is the institution of slavery. Conflicting with the rights of human nature, it is required to grasp, monopolize, and exercise power despotically, in order to perpetuate its own existence. It has been to us a prolific source of national disaster. It is the sustaining cause, the object, and chief resource of this rebellion; at the same time that it is the point at which the most fatal blow may be inflicted upon it.

The abolition of slavery is no longer a "contraband" proposition. It has been elevated by events into a measure of widespread public importance, demanding the favorable consideration of statesmen. It is no longer the shibboleth of a sect or party, but the overruling necessity of a nation. To retain slavery, under existing circumstances, in our body politic, would, in my judgment, evince the very worst kind of folly or wickedness. To eliminate it forever should be the unwavering determination of the Government.

Nevertheless, the Administration refuses to heed such counsel, and persists in regarding the institution as shielded by such constitutional sanction as it is not at liberty to infract.

The President, in his recent message to Congress, refers only incidentally to the subject, and indicates no policy whatever for dealing with the momentous question.

In the recent orders of the Secretary of War to Generals in the field, and other official documents and acts, the principles upon

which the subject is to be regulated are, however, set forth. In an order to Major-General Butler, dated May 30, 1861, the Secretary of War says:

"While, therefore, you will permit no interference by the persons under your command with the relations of persons held to service under the laws of any State, you will, on the other hand, so long as any State within which your military operations are conducted, is under the control of such armed combinations, refrain from surrendering to alleged masters any persons who may come within your lines. You will employ such persons in the services to which you they be best adapted, keeping an account of the labor by them performed, of the value of it, and of the expenses of their maintenance."

In another order to General Butler, dated August 8, 1861, the Secretary declares:

"It is the desire of the President that all existing rights in all the States be fully respected and maintained. The war now prosecuted on the part of the Federal Government is a war for the Union, and for the preservation of all constitutional rights of States, and the citizens of the States in the Union." * * *

"Under these circumstances, it seems quite clear that the substantial rights of loyal masters will be best protected by receiving such fugitives, as well as fugitives from disloyal masters, into the service of the United States, and employing them under such organizations and in such occupations as circumstances may suggest or require. Of course, a record should be kept, showing the name and description of the fugitives; the name and character, as loyal or disloyal, of the master; and such facts as may be necessary to a correct understanding of the circumstances of each case after tranquillity shall have been restored."

An order to Brigadier-General Sherman, commanding the land forces of the United States in the recent expedition to Port Royal, dated October 14, 1861, is as follows:

"SIR—In conducting military operations within States declared, by the proclamation of the President, to be in a state of insurrection, you will govern yourself, so far as persons held to service under the laws of such States are concerned, by the principles of the letters addressed by me to Major-General Butler, on the 30th of May and the 8th of August, copies of which are herewith furnished to you. As special directions, adapted to special circumstances, can not be given, much must be referred to your own discretion as commanding general of the expedition. You will, however, in general avail yourself of the services of any persons, whether fugitives from labor or not, who may offer them to the National Government; you will employ such persons in such services as they may be fitted for, either as ordinary employees, or, if special circumstances seem to require it, in any other capacity, in such organization, in squads, companies, or otherwise, as you may deem most beneficial to the service. This, however, not to mean a general arming of them for military service. You will assure all loyal masters that Congress will provide just compensation to them for the loss of the services of the persons so employed. It is believed that the course thus indicated will best secure the substantial rights of loyal masters, and the benefits to the United States of the services of all disposed to support the Government, while it avoids all interference with the social systems or local institutions of every State beyond that which insurrection makes unavoidable, and which a restoration of peaceful relations to the Union, under the Constitution, will immediately remove. Respectfully, SIMON CAMERON,

"*Secretary of War.*

"Brigadier-General T. W. SHERMAN,
"*Commanding Expedition to the Southern Coast.*"

In pursuance of these instructions, a proclamation was issued by General Sherman to the people of South Carolina, saying that—

"In obedience to the orders of the President of these United States of America, I have landed on your shores with a small force of national troops. The dictates of a duty which, under these circumstances, I owe to a great sovereign State, and to a proud and hospitable people, among whom I have passed some of the pleasantest days of my life, prompt me to proclaim that we have come among you with no feelings of personal animosity, no desire to harm your citizens, destroy your property, or interfere with any of your lawful rights or your social or local institutions, beyond what the causes herein alluded to may render unavoidable."

Major-General Dix also issued a proclamation to the people of Accomac and Northampton counties, in the State of Virginia, dated November 13, 1861, beginning as follows:

"The military forces of the United States are about to enter your counties as a part of the Union. They will go among you as friends, and with the earnest hope that they may not, by your own acts, be forced to become your enemies. They will invade no rights of person or property. On the contrary, your laws, your institutions, your usages, will be scrupulously respected. There need be no fear that the quietude of any fireside will be disturbed, unless the disturbance is caused by yourselves.

"Special directions have been given not to interfere with the condition of any person held to domestic service; and, in order that there may be no ground for mistake or pretext for misrepresentation, commanders of regiments and corps have been instructed not to permit any such persons to come within their lines."

Major-General Halleck within a few weeks departed from Washington to supersede General Fremont in the western department; and immediately upon arriving at headquarters issued an order excluding all slaves from the lines of his command, and prohibiting their further admission.

I can not see that the policy of the Administration, as thus exemplified, tends, in the smallest degree, to an anti-slavery result. The principle governing it is, that the constitutional Union, as it existed prior to the rebellion, remains intact; that the local laws, usages, and institutions of the seceded States are to be sedulously respected, unless necessity in military operations should otherwise demand. There is not, however, the most distant intimation of giving actual freedom to the slave in any event.

It is settled that the status of a slave under our system is fixed by law, or usage amounting to law; and until this is changed by competent authority, it adheres, no matter what change of circumstances may occur in other respects, to the slave. Should the rebellion be suppressed to-morrow, the masters of those slaves now coming within our lines, and helping us, would have a claim to their rendition, under the fugitive slave or the local law.

While, therefore, the order of the Treasury Department for paying these persons for services rendered, and the recommendation of the Navy Department that they be permitted to travel off, are good as far as they go, they do not affect the vital question at issue.

The Secretary of War suggests something nearer to the point, in saying that the Government ought to confer freedom on all slaves who shall, in any military exigency, render it service.

But nothing which may be said or done will be sufficient for the emergency while the Government imposes upon itself the responsibilities of the Union with regard to the rebellious States. This principle must be repudiated; or it is obvious that we are

tied hand and foot. Under our constitutional system the individual States are authorized to control their domestic institutions (including slavery) in their own way. This is the simple truth, and can not be ignored or gainsayed. It is folly to look for emancipation by the nation in contravention of the system through which the nation lives and acts. The ministers of the Government are bound by the Constitution in the discharge of their duties. Any action of theirs transcending this limitation is revolutionary and criminal, and ground for impeachment and punishment. Men sworn to the performance of duty according to a certain formula, are mere instruments, and rightfully possess no volition of their own.

As to giving freedom to five millions of slaves on the principle of a military necessity to suppress insurrection, it is an idle dream. This principle does not even admit of a general rule on the subject. The requisite military exigency authorizing action may exist in one place and not in another—in Missouri, for instance, on the line of Lane's Kansas brigade, and not in Accomac or Northampton. Its existence must, of course, be determined upon, when and where it arises, by officers in command. To seriously impair the integrity of slavery in this way depends on two very remote contingencies, to wit: *first*, on an honest sympathy with the abolition cause in those who carry on the war; and *second*, on such a formidable and long-continued resistance from the rebels as will create the necessity for utter and absolute emancipation in order to overcome them. The chance of these contingencies being fulfilled is the measure of probability for emancipation on the ground of a military necessity under the Constitution; and the country can judge of the extent of this for itself.

For my own part, I think it quite problematical whether there is more than one sincere abolitionist or emancipationist among the military authorities; or that the rebellion will ever hold out to the point of rendering the liberation of the whole body of slaves necessary to subdue it.

Slavery can not be abolished in a State by act of Congress. The thing is impossible. Congress is the legislative branch of the Government, performing its duties under certain constitutional limitations. Slavery in the States is outside of those limitations. It can be abolished only by the States themselves, or by the Executive *in time of war*, on principles of public law, as ably expounded many years ago by John Quincy Adams. In the suppression of insurrection, however, the Executive has not this

power, unless the insurgents have ceased to be parties to our constitutional Union; in which case they have, in fact, ceased to be insurgents, and become alien belligerents.

The overthrow of slavery by confiscating the property of rebel slaveholders seems to me to be utterly impracticable, consistently with the plain requirements of the Constitution. A bill has recently been introduced into the Senate to declare the property of all persons engaged in the rebellion forfeited, and directing the President to execute its provisions summarily without the interposition of civil process for trial or judgment. This bill is unconstitutional. The fifth amendment to the Constitution provides that—

"No person shall be deprived of life, liberty, or property without due process of law."

And the sixth amendment is as follows:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State or district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

A bill has been introduced, also, into this body of similar import, and obnoxious to the same objection, and likewise to a still stronger one. This latter bill proposes to abolish a State, and degrade it to the position of a Territory. Any such act as this would be utterly at war with the theory of our Federal system. It could not be carried into effect without destroying the nation, such as it has heretofore existed. Its success would establish a precedent which would make the Federal Government the source of all power, and convert the States into mere corporations.

Yet, while such views as these are correct, as regards the States of the Union, we could accomplish the object of emancipation without legal difficulty, as toward a foreign nation or belligerent power. The confiscation of property and the regulation of order could be provided for by act of Congress in any territory conquered to the authority of the United States. Powers equal to these ends would vest for the time being in the Executive, as Commander-in chief of the nation, even without any such enactment. When General Scott entered the halls of the Montezumas, conqueror of Mexico, his authority under the President was supreme throughout that country. He represented the sovereignty of the United States, and as its executive agent, no limitation existed upon his authority within the conquered territory but such as was imposed by the laws of nations. The discretion of the President in such case is the measure of his power; but this must

be governed by the exigencies; and for the faithful exercise of this extensive trust, he is responsible to the nation, through its established tribunals. He may, at any moment, be impeached by this House.

It is, in my judgment, of transcendent importance to guard the principles of our system of free government. The most important of them is that of a division of powers into the three departments of the legislative, judicial, and executive. This has always been regarded as essential to liberty. It is now necessary that the Executive should wield military power. But the object of this is to preserve our system, not to destroy it. The war is, of course, to be comparatively of very short duration; and at its termination the executive power will again be restored to that of a civil magistrate. In the mean time, let Congress be circumspect in its own action, and prepared to hold the other branches to a just accountability.

The success of the Government in subduing upon its present plan the rebellious States must inevitably result in restoring the domination of the slaveholding class by reinstating the institution, under the forms of our constitutional system, in the powers, privileges, and immunities which have always pertained to it. Hence, such a policy is calculated to bring no lasting peace to the country, and utterly fails to fulfill the object to which a wise statesmanship would strive to direct the tendencies of the present momentous occasion.

It is no answer to me to say that it would elevate to power in the South men of more agreeable manners, or even more gentle pro-slavery views, than are now on the stage. In truth, the character of the agents whom the slaveholders select to represent them has no important relation to the question. Men are of but little consequence in this case. It is a contest of principles. The rehabilitation of slavery in the Union brings with it the whole train of evils under which the country has suffered from the origin of the Government.

There are, however, many persons who believe that slavery may be placed where it will "be in course of ultimate extinction;" that, indeed, the effect of this war, in any event, will be so to weaken it in all the States in which it exists, that it will be unable to recover from the shock thereby inflicted, but will languish, and ultimately die, without a disturbing struggle.

This is, in my judgment, a mistake. The inexorable and eternal condition of the life of slavery is, that it must not only hold its own, but it must get more. Such is the unchangeable law, devel-

oped from the conflict of slavery with the order of justice; and no one is competent to render a judgment in the case who does not recognize it.

The object of government is the protection of the rights of persons and property, which slavery contravenes. Slavery is a systematic violation of these rights. Government is instituted for mutual protection—the protection of each through the union of all—and presupposes no superiority of right in its subjects one over another, but implies perfect equality between them in respect to the end aimed at—the one object of justice between man and man. It is an instrument of nature; and whatever transient influences may for a time intervene to warp it from its appointed way, it will forever, like the magnetic needle, revert back to the eternal current which God has set to bind it to its course. Consequently, between it and slavery there is, in principle, an eternal antagonism. The law of the one is to accomplish the identical result which the other is bound by its law to prevent. To dominate government, and keep it from obeying the true principle of its being, is therefore the chief task of slavery. It must subvert government, with respect to itself, to have an existence. Nor is this all Government arises from the elementary spirit of justice operating to the end of maintaining among men the divine order. Slavery is at war with this elementary spirit, and consequently to merely neutralize government leaves it still exposed to the force of natural justice. It must, therefore, subvert this, which it can only do through the forms of authority; hence it must control the machinery and symbols of government. Thus possessing the power of the State, it can confer upon itself a legal sanction which nature denies it. So that the existence of slavery necessarily involves its mastery of the Government in some form or other. But the tenacity of Government to the law of its being gives it a powerful tendency, when thus perverted, to recur to its true functions, which calls for an equally strong opposing influence to counteract this tendency. Hence slaveholders are forever at work fortifying themselves in the Government by augmenting in every possible way their political control.

Security is the great necessity of slavery; security is what it wants and must have. The value of property in slaves, like that of any other, depends on its tenure. But a secure tenure is much more difficult to get for slaves than for ordinary property. The latter may be tolerably safe under any circumstances, except those of the wildest anarchy; because mankind recognize and respect, instinctively, the natural and necessary property which is in the

order of nature incident to man. The relation which the universal sense recognizes and respects is man *and* property, several but connected, the one idea excluding the other as in the same being. Given the idea of man, and that of property pertaining to him follows, under the inflexible laws governing the association of ideas. But holding men *as* property conflicts with this. It breaks the chain of ideas. Men can not be held as property and yet stand to property as principal to supplement. Nature is violated. Logic is contradicted. Moral anarchy prevails. And hence the currents of human thought, linked with those of feeling, running upon eternal principles, set forever against it. Consequently, slave property is "peculiar." With respect to other kinds of property, no one will disturb it unless some one wants it for himself; unless some one intends to steal it. But as to slave property, the danger is simply that of an interference to set the bondman free. "Negro thief," a favorite epithet of slaveholders, is with them only another name for an "Abolitionist." It being only possible to render slavery secure by interposing the embodied force of the community, in its Government, against the natural impulse of each disinterested member thereof to strike it down, the slaveholder must not only govern the Government to keep it from doing justice between himself and bondman, but he must OWN IT, that he may use it as a shield against individual intervention. Yet it is constantly liable to be swept out of his hands and carried back to its natural orbit by the powerful tides of human thought and feeling, which never cease to flow. And so he is never at rest. He must be always rolling his stone. A precarious tenure of his slaves is intolerable to him. The constantly recurring fear of losing the power of governing excites in his mind visions—to him the most hideous—of universal emancipation. The probability of it goes directly home to his pocket by reducing the market value of his slaves.

It is, therefore, by no means enough for him to have present possession of Government. He must have it for all time; and of this he must have guarantees. It results that the more he gets the more he wants. He can, of course, never get absolute guarantees, because he is in conflict with the Absolute. The moral world moves, and Governments move with it, and both move, though irregularly, in the direction of eternal justice; and hence his institution continues more or less in question, in spite of all he can do. Thus slaveholding inevitably begets an intense and ever augmenting lust of power, which nothing can fully appease, but which would, if not overcome, advance, step by step, from one seat of au-

thority to another, until it covered the whole continent with its black pall.

The annals of our country abound with illustrations to enforce this teaching. The slaveholders commenced under our system with much more than a moderate degree of power. They had, in fact, a large preponderance in the Government. They were uppermost in both Houses of Congress, and in the judiciary and executive departments. It is true, they might, in the Senate, be ultimately overcome; and the constantly expanding populations of the free North might soon neutralize them in the House. Nevertheless, they could at all times choose their own President. They had votes in the electoral college equal to their entire vote in Congress; and while their unity was of course perfect, the North was, at all times, more or less divided. Its rival candidates for the Presidency would compete for the vote of the slaveholders, for permission to take the office in trust for them, and use it under their dictation. The patronage and power of the executive office were ample to have enabled them, by keeping the other Departments generally filled with their servitors, to dominate over the country.

This was their original policy. In pursuance of it they elected nearly all our Presidents; appointed our judiciary; carried our Congresses; admitted Missouri, Arkansas, Florida, and Texas; involved us in the war with Mexico; passed the fugitive slave law; annulled the Missouri compromise; carried on the war against Kansas, and kept that State out of the Union for four years—governed the country, in short, entirely in their own way, for three fourths of a century. As a part of this policy, they subsidized a large number of the public men and public press of the North. The democratic party was their tool as long as they wanted to use it; and then they broke it into pieces and threw it away.

Their plan of operations was, indeed, most excellent, and in hands as skillful as theirs need never have failed of its purpose. But they were not content with the vast power it gave them. Their instincts impelled them to look beyond it to still greater aggrandizement and stability. How could they, being slaveholders, be satisfied with any limitation, present or prospective, certain or contingent? Their first policy was accordingly superseded gradually by a more radical and ambitious one, of which the rebellion now convulsing the nation is the effect.

As early as 1832, it became the settled purpose of Mr. Calhoun and his disciples to organize the South into a distinct State. It was not originally, however, their wish to dissolve the Union. Their

preferred idea was to change the Federal system. They wanted to refine on the original plan by rendering the South one and an equal confederate in the system with the North; thus making the organization not only a Federal Government of several States, but having the South united as one, with a power of control over the whole. It was a thing necessary to this end, that the South should have in some form a final negative or veto power; so that nothing could be done by the Government without her assent. To hold the Senate would suffice for this, and such was the foundation of that desire for "equilibrium," which indueed the slaveholders, for a long time, to refuse to admit into the Union any free State without coupling therewith a slave State. This proving insufficient, the Southern mind, under the plastic genius of Mr. Calhoun, abandoned the idea of an equilibrium for the more imposing and attractive dream of independence. This gentleman elaborated and enforced his views with great eloquence and power in the Senate in 1850, when he suggested an amendment to the Constitution. He proposed that the executive department be reorganized, with two Presidents instead of but one; one to have charge of foreign, the other domestic affairs; one to be from the North, the other the South, and each to have a veto upon Congress and the other.

Although this proposition was regarded at the North as extremely visionary and preposterous, and was never again presented in the same form, its introduction marks the period of a new system of political action in the South. Every subsequent movement of the Southern leaders has had reference to the principle here involved. Independence has been since then their central idea—independence in or out of the Union. Their first effort after this was to make slave States out of all the Territories and to admit them; and to continue the acquisition of territory along the southern line for the same purpose, with a view to constitute the Senate the permanent organ of the South. Accordingly the Missouri compromise was annulled; Nebraska divided into two Territories, so as to form ultimately four States; and the Dred Scott opinion announced. These measures were all parts of a conspiracy. The Supreme Court were to adjudge all territory of the Union slave territory; so that the minions of the South might step in, take possession, and send up the Senators duly certificated. It never occurred to them that the North would, in spite of their judicial decree, wrest their possessions from them by a superior emigration. But it so happened that Kansas was the key to the whole issue, and the North fixed its eye upon Kansas, and determined, cost

what it might, to secure it. The acquisition of Kansas by an intensely anti-slavery population dashed the fine scheme of the slaveholders, and left them no other resort, if they would have independence, than an attempt to win it by war against the Government. And this attempt we have in the present rebellion.

And here let me pause for a brief moment, to pay a merited tribute of respect and gratitude to my constituency. Brave, devoted, uncompromising, heroic people! proudly do I bear your honored name in these Halls. Sir, theirs is the glory of these eventful days; to them belongs the credit of having first interposed a barrier to check the progress of despotic rule on this continent. Kansas lost, we should now be hopelessly, irretrievably subjugated. No such Republican party as we have seen would have been organized, or, if organized, it would have been speedily extinguished. Abraham Lincoln would not now be President; but rather some such slaveholder as Jefferson Davis. We should not now see a mighty host marshaled beyond the Potomac, with the cheering ensign of the Republic full high advanced, and the power of a legitimate Government and twenty millions of free people behind it; but we should see, instead of this, our Government transformed into a slaveholding despotism, as tyrannical as that of Nero, by means so indirect and insidious as hardly to be seen until the fatal work was finished. The people of Kansas took it upon themselves to act as a breakwater, which has had the effect to stay the advancing tide of slavery, and shield the continent from its sway.

When I recur to my own intercourse with this gallant people during the period of their terrible struggle in their attempts to subdue the wilderness—to make homes for themselves where no home save that of the Indian, the elk, or the buffalo had ever existed before; considering their scanty resources, and the severities of life in a new country to which they were exposed; and remembering their determined purpose in behalf of the cause in stake—how men and women alike surrendered with alacrity every personal interest and comfort and aspiration, and, with a sublime self-sacrifice, consecrated themselves to the great service—the perils they encountered, the extreme suffering they individually endured, and yet the true martyr spirit, the patience, the constancy, the fortitude they displayed throughout; when I recall these things, and my own relations with them in those trying scenes—our mutual hopes and fears and efforts—the days when we were together in the council and the camp—the nights when,

on the broad unsheltered prairie, or around rude and poor but hospitable firesides, we were consulting, deliberating, arranging, resolving, and executing; and when I recall, as I never fail to do, the glorious memory of those who passed through the shadows of death in this august work—some by sickness, others by privation, others again on the field of battle bravely fighting for liberty—I am moved with a feeling for which no expression would be appropriate but the silent eloquence of tears.

Sir, history has no brighter page in all her long annals than this. I say it without hesitancy, although I am the Representative of Kansas on this floor.

It is recorded of the chivalric but ill-fated people of Poland, that they stood up a shelter and breastwork for Europe against the swelling tide of infidel invaders who, in the seventeenth century, threatened to overwhelm the civilization of that continent. A similar record will be made by the pen of impartial history, to testify to the transcendent heroism of my noble friends and constituency. It shall be said of them that, though few in number, limited in means, surrounded by enemies, far away from friends and reinforcements, they yet stood up, like a wall of adamant, against a power which wielded the resources of a nation of thirty millions, balked it of its prey, and saved a continent to freedom and civilization. Such is the inscription which the eternal page will bear in letters of light, regarding the transactions to which I refer; and traditionary song and story shall celebrate to posterity the worth of their deeds which to-day may find no recognition.

In what has been said we may see two methods of teaching—one by reasoning, *à priori*, and the other by inference from history—alike inculcating the one lesson, to wit: the folly of attempting to hold slavery in a subordinate position, or to place it where it will be in course of ultimate extinction. It is tenacious of existence, and its very existence implies rule; and to make this secure is its never-failing motive. Security is what it wants—not security admitting of degrees of some, more, most—positive security, comparative security, or superlative security—but ABSOLUTE SECURITY. Hence, unlimited power will alone suffice it. No truth in history is brought more directly home to us than this. Leniently, patiently, indulgently, expensively, and fully have we tried the experiment; and now we have its lesson thundered in our ears from the cannon's mouth. And therefore Lord John Russell was perfectly correct in saying, as he did say a few weeks ago, at Newcastle, with respect to this country, that—

"Supposing this contest ended by the re-union of its different parts; that the South should agree to enter again with all the rights of the Constitution, should we not again have that fatal subject of slavery brought in along with them—that slavery which, no doubt, caused the disruption, and which we all agree must sooner or later cease from the face of the earth? Well, then, gentlemen, as you will see, if this quarrel could be made up, should we not have those who differed with Mr. Lincoln at the last election carry at the next, and thus the quarrel would re-commence, and perhaps a long civil war follow."

Lord John Russell is substantially right in this respect. Let this plan of the Administration for bringing back the seceded States on the old basis be realized, and we shall be precisely where we were at the commencement of this struggle. Slavery might possibly be satisfied with Mr. Lincoln's policy to-day, but what would not to-morrow inevitably disclose? It might possibly, while suffering from the disaster of secession, regard its situation tolerably satisfactory in the Union on almost any terms. But once recovered from the shock of its defeat, would it not again develop its ambitious and aggressive nature with as much virulence as ever? No one can doubt it. Hence, should this policy prevail, nothing is more demonstrably clear than that the future history of this country will realize the very same troubles of which we so grievously complain in our past, and which culminated in the overwhelming calamity of civil war. After the lapse of a little time, when the strife of the present hour shall have composed itself to rest, the old monster will again come forth from his lair. In every State in the South we shall have this measure and that for the benefit of slavery set up as a *test* in all the elections for State Legislature, for Governor, for members of Congress, for Presidential electors, for everything; and those candidates will, of course, be chosen who are most *ultra* in their pro-slavery tendencies. If Mr. Holt, or Mr. Johnson, or Mr. Carlile, or other men like them, do not square up to the highest standard of Southern exaction, they will be soon set aside, and those who do will take their places. The Presidential election will be controlled in the same way. It will be treason to the South to vote for a Northern man, unless he is a "Northern man with Southern principles." Their chosen candidate will be the one who gives the best proofs of his devotion to the South. Here, then, will again be generated that species of politician known as the "doughface." Those at the North who, in times past, ignominiously threw themselves down at the feet of the slaveholders, as "mudsills," to pave the edifice of their power, will again pass into the service of that "oligarchy." Northern servility and Southern arrogance will grow apace; and from one demand to another, from one concession to another, they will advance, until the disorder again reaches its crisis, when

another explosion will ensue, the anti-slavery element will rise into power as before by reason of excesses on the other side, the whole slave interest will be again imperiled, in consequence of which it, with, perhaps, its allies, will again fly to arms (its natural resort), and the country will again be involved in the horrors of civil war. This is the inevitable action and reaction of our present system. The movement, while slavery lasts, is one which proceeds upon natural laws, just as inexorable as the laws which govern the movements of the planets. They can not be counteracted by any sort of political legerdemain.

Nor does it improve the case in the slightest degree that all this will be done through men and organizations heretofore dear to the people as representing a better cause. Circumstances change, and men change with them; but principles change not. Men may not see, or seeing may not believe. Again: men may be willing, for the sake of power, to discard the principles to which they once stood pledged. Or they may never, in fact, have been pledged to principles in themselves, but only to certain applications of them.

The resolving force of the war may turn the spirit of slavery into a new body, with new head and feet and hands. The old *personnel* of the oligarchy may be entirely displaced. Hunter and Mason, and Slidell and Toombs, and Stephens and Beauregard, and Keitt and Pryor, and the whole array of the present, may pass into eternal oblivion, and new names be substituted in their stead; names, it may be, in many instances, which have been, and are even now, associated with our own in political action. But this will not improve the case. Slavery will be slavery still. Organizations can not change it, though it may change them. Nor can men's names, nor party names, change it. It may enroll itself under the "Flag of our Union," and turn its face from Richmond to Washington. It may gather around the purlieus of the White House, instead of the Confederate mansion. It may bow down to Abraham Lincoln as the god of its idolatry, rejecting its present idol on the banks of the James River. But it will, nevertheless, be sure to come into our Senate and House of Representatives; it will be sure to come into our electoral college; it will be sure to come into our national conventions; and it will be sure to be felt wherever it is. It will vote for slavery. It will vote for slavery first, and for slavery last, and always for slavery. If Abraham Lincoln would be re-elected President, he must secure the vote of slavery; for if he does not, somebody else will, by its aid, be elected over him. And it follows, as the night the day, if Abraham

Lincoln secures the vote of slavery, that slavery must, in turn, secure the vote of Abraham Lincoln.

Indeed, the tendency of the Government, upon the principles which now control its action with respect to the war, is irresistibly toward such a transmutation of political elements as will restore the slave power to its wonted supremacy in the Union, with the Administration for its representative and agent, however reluctant the latter might be to perform so ignominious a part.

There are two classes of slaveholders, who, though divided on the particular question of secession, are yet one and indivisible on the paramount question affecting the power and prestige of slavery; namely, Unionists and Secessionists. One is, as to the Union, with us, the other against; both, however, having a common purpose with respect to slavery, to wit: its security, and to this end its domination.

It is the determination of the secessionists to dissolve all political relations with anti-slavery people of every class, and to establish a government into which no insidious foe shall be permitted to enter, but through which slavery shall reign forever, undisputed and indisputable sovereign lord. On the other hand, those slaveholders who cling to the Union propose to accomplish pretty much the same thing by a different process; namely, by bringing all the slaveholders back to their loyalty, and employing the power which will thereby accrue to them jointly to regain control of the Federal Government.

It is but a difference of choice among the slaveholders as to the kind of mansion they will inhabit; whether they will continue to dwell in the old establishment which their fathers built and consecrated to slavery; or abandoning that to the heathen, erect for themselves a new edifice, pictured in their arid dreams as one which no rude tempest shall assail, nor the winds of heaven visit too roughly; with foundations of tried steel, pillars of alabaster, halls of precious marble, and pavements of gold.

The slaveholders of the Union party, more practical and less imaginative than their secession brethren, prefer to tarry in the old place, proposing to themselves to convert the latter from the error of their way by convincing them that secession is a mistake; that Southern independence is a delusion fraught with manifold and terrible woes; that the safety, the stability, the dignity, the power, the grandeur, and the glory of slavery are all fixed in the Union, and not to be enjoyed out of it; established in the house which their fathers built; which is theirs by imprescriptible right; a glo-

rious inheritance; "the fairest fabric of government ever erected by man."

They appeal to the masses of the South to abandon their present leaders and fly to them, crying out that to follow the Confederate flag along the "perilous edge," and through storm and battle, will lead them to swift destruction; but that to rally to their standard will take them back to the old homestead, where, in the affecting pictures they draw, the pastures are ever green, and the streams ever bright; the skies always blue, and flowers blooming perennial; and here, they tell them, they may forever repose under their own vine and fig-tree, with no one to make them afraid.

Their desire is that we should not be precipitate in moving forward the grand army of the Union; but should hold it up as a gigantic instrument of chastisement *in terrorem* over their erring brethren, allowing ample time before using it for penitence and absolution. Hence we are to infer that the harmless evolutions of dress parade are more to their views than frequent encounters on the field of battle.

Yet they require that our army should be advanced. It must occupy each rebellious State. Our standard must be unfurled, as a rallying point. A center of operations must be secured, from which missionary enterprise shall branch out. To convert the sinning sons of the South back to truth and righteousness, there must be a Jerusalem at each convenient locality, up to which they may come to indicate repentance and be again enrolled in the flock of the immaculate of the house of Israel. And nothing will suffice for such a Jerusalem but a military encampment, with such latter-day saints as McClellan and Banks, and Dix and Halleck, and the like, armed to the teeth and ready for the fray, with sword in one hand and the Constitution in the other, prepared to administer death or the oath of allegiance according to the stubbornness or docility of the subject.

Of course it is a part of the system of operations of these Union gentlemen to do a little in the revolutionary way themselves, whenever such slight irregularity may become necessary to checkmate the leaders of secession. For instance, as in all the rebellious States, the forms of government are in possession of the insurgents, it is part of their plan to arrange State governments of their own. Such machinery is necessary in carrying out the great scheme of salvation in which they are engaged—fealty to which, on the part of the penitent rebel, shall be the test of a return to the faith of the fathers. This has, indeed, already been tried, and found to work to a charm. The Unionists in Western Virginia met at

Wheeling, and voted from among their number Mr. So-and-so for the Legislature, Mr. So-and-so for Governor, Mr. So-and-so for judge, and they having called this the government of the State, it was immediately recognized as such. Whereupon United States senators and members of this House were at once sent up, and promptly admitted; and these gentlemen of Western Virginia will, in 1864, by virtue of this little artful operation, carry about with them in their pockets some fifteen votes of our electoral college to decide who shall be our next President. As this programme is to be carried out in every seceded State, for every State which the "new South," or the new "oligarchy," thus clutch, they will secure two United States senators, besides an indefinite number of members of this House, and votes for President equal to their full Congressional representation. They will have, of course, proportionate delegations in all our nominating conventions.

Wherever such organization is set up, it is expected that the slaveholders will, in large numbers, desert the Confederate banner, and follow that of the Union. An inducement which will attract many, is the opportunity which will be thus presented of entering into the new order of things high in official station. Offices will be obtainable with little difficulty; and ambitious young men, and ambitious men not so young, will rush, it is supposed, to the side of the Union, to enjoy official patronage and prestige; bringing with them all their friends, relatives, debtors, creditors, and other persons interested in their success in life. It is also regarded as highly important that the most liberal promises in favor of slavery shall be given. Jefferson Davis may, in this respect bid high; but if so, Mr. Lincoln must bid against him. A strict observance of all the guarantees of the Constitution must, of course, be stipulated. An amnesty, which shall cover all sins of omission or commission, must be granted to whomsoever shall return to his allegiance, and all such measures be resorted to as shall serve to allay the suspicions, assuage the bitterness, and abate the hostility of the erring children of the South to our common Government, and persuade them again to enjoy its blessings.

By such skillful treatment as is here hinted at, by the military arm in one direction and the dexterous fingers of political artifice in another; by alternate blows and persuasion, blisters and sugarplums, it is expected that the belligerent will be tamed down; the willful recalled to tractability; the skeptical inspired with faith; and in fine, the whole body of slaveholders firmly planted once more on the side of the Union, the Constitution, and the laws.

The policy of the Administration harmonizes in almost every particular with the object of this class of slaveholders. It offers ample protection to their constitutional rights, and full pardon to secessionists returning to their allegiance. It holds the grand army in abeyance; and recognizing their empty frameworks of State governments, inducts them as *bona fide* into the sacred temple of our sovereignty.

In short, the two bodies seem to be at one table in full communion. Their actions tend unmistakably to the same result, whether they know it or not, and their success will develop a reunion of the slaveholding interest on the platform of the Administration, for the protection of slavery, and against all who oppose it.

In this way the party of slavery will become again the party of the Administration; Mr. Lincoln will become the President of the South, through the agency of the Union, and Jefferson Davis will retire to the shades. The Federal Capitol will once more become the seat of the slave power, the Federal Government its instrument, and the country its subject realm. The old game of a united South against a divided North will be repeated. The party of the Administration will play the *rôle* of the old Democratic party again. The former strife will be renewed; and in the end, however distant, slavery will again be driven to extremities.

I may, however, be permitted at this point to put in a protest against extemporizing State organizations for seceded States, and clothing them with powers to correspond. So far as legal correctness is concerned, this action is as unwarranted as secession itself. It is quite as revolutionary. Indeed, it is, in this respect, upon precisely the same footing with secession. Secession repudiates the Federal authority within a State through State forms and State forces, while this repudiates the State authority through Federal forms and forces. They are both revolutionary. Nor can the plea of necessity be interposed to extenuate it. No necessity exists for anything but for a military occupation in a rebellious State until the rebellion is subdued. And this is precisely what should take place, and nothing else. These skeleton State organizations are nothing but the machinery of political artificers for monopolizing power; and it is a shameful and most pernicious abuse of the Executive trust to recognize them as valid.

A government for the State of Virginia made its appearance last May, and claimed to be entitled to consideration, because, as it was said, the people west of the mountains had instituted it. It received the recognition of the President, which was construed to bind

the other branches of the Government. Since then, however, the people, who were represented as having adopted this, have organized another State government, with a view of being detached from the old State. But under the Federal Constitution this can not be done without the consent of the old State. Nevertheless, the people of Western Virginia having created a government for the whole State, of which the needed recognition was afforded, and having now created their new State of Kanawha, have only to give to the latter, through the former, the necessary assent, to secure the requisite compliance with the terms of the Constitution, and be doubly admitted into the Union—thus becoming invested with the constitutional powers of the old State of Virginia, besides those which will belong to the new State of Kanawha, including, of course, two United States senators for each. I conceive this to be a gross outrage upon the constitutional rights of all the other States.

This process of making States at short-hand may give rise to one of the most gigantic schemes of political jugglery the world ever saw. The war may not be finally closed or the rebels subdued for many years, and yet the vast power pertaining under our Constitution to the seceded States may, in the mean time, be exercised by a very limited number of persons. It is only necessary for the Government to secure a footing at some point within the geographical limits of one of these States to enable a few individuals to acquire the power to which such State is entitled by the Constitution and usages of the land, in Congress, in the election of President, and in all our nominating conventions. To this end, it is only necessary for a stock of ready-made State governments (so to speak) to go along with the army, and for one to be set up wherever a corps may encamp with a seceded State.

I will not say that this is the sort of game which the Unionist slaveholders intend to play, to hasten their control of the Government in advance of the actual conquest of the rebels. And yet is it not mainly as to the superiority of political over military tactics for maintaining power that they differ with their secession brethren? At any rate, this scheme would admit of a most stupendous fraud upon the country; and a public man, who is even decently honest, slaveholder or non-slaveholder, will regard it in this respect with great disfavor.

I will not impeach the motives of the Administration. It is doubtless guided by a sincere desire to do, in all things, what will prove to be for the best interests of the country. But it is, nevertheless, acting upon a most deplorable policy in this respect.

Principles control events; and its principles, in this regard, can not fail to develop another woeful cycle of national contention and disaster, probably more violent, bitter, and fatal than anything in our past history. The very opposite course is the one it ought to pursue. To liberate the Government utterly and forever from slavery should be its first and paramount object. To accomplish this it is only necessary for it to discard an attenuated abstraction, and avail itself o opportunities which God has brought to our very doors. The simple act of changing in practice the relations of the Government, and pursuing the war according to the law and facts of the case, would, in a short time, make the United States as completely free from slavery as Canada, and place the institution at our feet, and under our feet. To recognize the Confederate States for their benefit is no part of our duty; but to shape our policy to accord with events, and enable us to fulfill a high purpose, is what we are imperatively called upon to do. The fiction upon which we are now proceeding binds us to slavery; and hence the national arms, instead of being directed against it, are held where they may at any moment be required to be turned to its defense.

The wish of the masses of our people is to conquer the seceded States to the authority of the Union, and hold them as subject provinces. Whether this will ever be accomplished no one can, of course, confidently foretell; but, in my judgment, until this purpose is avowed, and the war assumes its true character, it is a mere juggle, to be turned this way or that—for slavery or against it—as the varying accidents of the hour may determine.

It is well that the bugbear of disunion has passed away, and can no longer be used to frighten timid souls from their propriety. Every one now sees that there can not be any permanent separation of the States of the South from those of the North; that they are wedded by ties of nature, destined to triumph over all disintegrating and explosive forces.

Should the belligerent sections settle down upon existing bases into separate political communities, the States in the southern section, along the northern line, would speedily become free, and eager to reunite with the North. Such slaves as could escape across the line would do so, and the rest would be conveyed by their owners to the distant South; and as these States became free, they would become antagonistic to their confederates, and reconciled to the old Union; and no obstacle could prevent their return. Thus the southern line of the United States would be brought down to the next tier of slave States, upon which the

same effect would be wrought; and thus the process continued until the national ensign would again float unchallenged on the breezes of the Gulf. This would effect a restoration of the Union on an anti-slavery basis.

So that, even if the present war should cease, a new one would immediately begin. Moral forces would take the place of physical ones; and the anti-slavery editor and lecturer would appear instead of the dragoon and musketeer. The center of abolitionism would, in time, be transferred from Boston to Richmond; and we should see a Virginia "liberator," in the person of some new Garrison, come forth to break the remaining "covenant with death" and "league with hell."

The question may be fairly regarded, however, as in one sense a question of union. Estrangement and war will always exist while slavery survives. The extinction of this evil is the only final end of disunion. The question, therefore, is, whether our Union shall be a real or a pretended one—whether freedom shall be its law and peace its fruit, or slavery its law and war its baleful offspring. A system based on slavery is essentially one of disunion. The war must, therefore, strike for freedom, or its professions about Union are delusive, and its end will be naught but evil.

Should it fail to do so, then let us cast it out as a wickedness and an abomination, and trust the cause of Union to other preservatives—to God's providence rather than to man's imbecility and treachery. War is obnoxious on general principles; and is only sanctified as a means to a noble end. It is a treacherous instrument at best; and in this case there is no little danger that it will turn into a thunderbolt to smite us to the earth, burying beneath the ruins of our constitutional liberty the hopes of mankind.

Eight hundred thousand strong men, in the prime of life, sober and industrious, are abstracted from the laboring population of the country to consume and be a tax upon those who remain to work. The report of the Secretary of the Treasury tells a fearful tale. Nearly two million dollars per day will hardly more than suffice to cover existing expenditures; and in one year and a half our national debt, if the war continues, will amount to the sum of $900,000,000.

This is the immense sacrifice we are making for freedom and Union; and yet, is it all to be squandered on a subterfuge and a cheat? For one, I shall not vote another dollar or man for the war until it assumes a different standing, and tends directly to an

anti-slavery result. Millions for freedom, but not one cent for slavery!

Sir, we can not afford to despise the opinion of the civilized world in this matter. Our present policy narrows our cause down to an ignoble struggle for mere physical supremacy, and for this the world can have no genuine respect. Our claim of authority, based on a trivial technicality about the proper distinction between a Federal Government and a mere confederacy, amounts to nothing. The human mind has outgrown that superstitious reverence for Government of any kind which makes rebellion a crime *per se;* and right of secession or no right of secession—what the world demands to know in the case is, upon which side does the morality of the question lie? Considered as a bloody and brutal encounter between slaveholders for dominion, it is justly offensive to the enlightened and Christian sentiment of the age. Yet the fate of nations, no less than of individuals, is molded by the actions, and these by the opinions of mankind. So that public opinion is the real sovereign after all, and no policy can be permanently successful which defies or disregards it. The human mind, wherever found, however limited in development, or rude in culture, is essentially logical; the heart, however hardened by selfishness or sin, has a chord to be touched in sympathy with suffering; and the conscience has its "still small voice," which never dies, to whisper to both heart and understanding of eternal justice. Therefore, in an age of free thought and free expression, the brain and heart and conscience of mankind are the lords who rule the rulers of the world, and no mean attribute of statesmanship is quickness to discern and promptness to interpret and improve the admonitions of this august trinity.

Sad, indeed, will it be if those who, in this auspicious hour, are invested with the responsibility of command, shall continue to lack wisdom to comprehend or virtue to perform their duty. This is the great opportunity which God has vouchsafed to us for our deliverance from that great curse which darkens our past. Let us not prove ourselves unequal to the destiny which it tenders. Oh! let us not attempt to rebuild our empire on foundations of sand; let us rear it on a basis of eternal granite. Let the order of justice, the harmony of God's benignant laws pervade it. And no internal commotions or outward assaults will afterward beset it, against which it may not rise triumphant and enduring.

> "Thou vampire Slavery, own that thou art dead.
> * * * * * Yield to us
> The wealth thy spectral fingers can not hold;
> Bless us, and so depart to lie in state,
> Embalmed thy lifeless body, and thy shade
> So clamorous now for bloody holocausts,
> Hallowed to peace by pious festivals."

Thus may the great Republic, so long perverted and paralyzed by slavery, stand forth, in the words of the Irish orator, "redeemed, regenerated, and disenthralled by the genius of universal emancipation."

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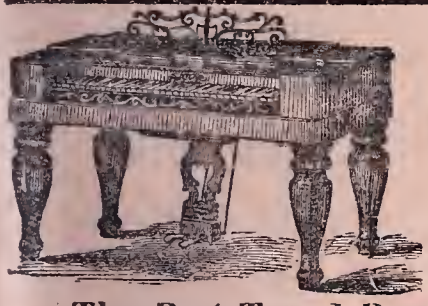

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